

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

STATE OF OKLAHOMA,

JOHN M. O'CONNOR, in his official
capacity as Attorney General of Oklahoma, and

STEVE KUNZWEILER, in his official
capacity as District Attorney for District 14 of
Oklahoma (Tulsa County)

Plaintiffs,

v.

Civil Action No: _____

HERIBERTO TELLEZ, in both his official
capacity as Regional Director of the South
Central Region of the Federal Bureau of Prisons,
and his individual capacity,

COLETTE S. PETERS, in both her official
capacity as Director of the Federal Bureau of
Prisons, and her individual capacity,

S.R. GRANT, in both his official capacity as
Acting Complex Warden of FCC Pollock, and
his individual capacity, and

FEDERAL BUREAU OF PRISONS,
Defendants.

**PLAINTIFFS' MOTION FOR A WRIT OF HABEAS CORPUS OR, IN THE
ALTERNATIVE, A TEMPORARY RESTRAINING ORDER/PRELIMINARY
INJUNCTION**

Pursuant to 28 U.S.C. § 2241(c)(3), Plaintiffs seek a transfer of John Hanson through a writ of habeas corpus because he is an inmate currently in federal custody in violation of a law of the United States—18 U.S.C. § 3623, the prisoner transfer statute. Alternatively, pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 7.1, Plaintiffs respectfully move this Court for a preliminary injunction to enjoin Defendants from denying a transfer of Hanson and an order instructing

Defendants to transfer him immediately to Oklahoma. As explained in the accompanying memorandum, Defendants' actions violate federal law and warrant either a writ of habeas corpus or an injunction.

In support of this Motion, Plaintiffs rely on the following:

1. The Brief in support of this motion, filed contemporaneously herewith;
2. The Complaint in this matter, ECF No. 1; and
3. All further evidence necessary to support this Motion, filed hereafter or presented at any hearing on this Motion.

Plaintiffs respectfully request the following relief:

- a) A writ of habeas corpus requiring the surrender of inmate John Hanson to Oklahoma state authorities;
- b) An injunction enjoining Defendants from violating 18 U.S.C. § 3623;
- c) A declaration that Defendants have unlawfully refused to transfer inmate Hanson to state custody under 18 U.S.C. § 3623 and accompanying Order that Defendants do so before November 9, 2022;
- d) A judgment for costs as appropriate under 28 U.S.C. § 2412; and
- e) Such other relief as the Court may deem just and proper.

A Proposed Order outlining the scope of the requested relief is attached.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion for a Writ of Habeas Corpus or, in the Alternative, a Temporary Restraining Order/Preliminary Injunction against the Government.

Dated: October 25, 2022

Respectfully submitted,

/s/ John C. Sullivan

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**pro hac vice motion forthcoming*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the undersigned document was served on Defendants on October 25, 2022, along with service of the Complaint in compliance with Fed. R. Civ. P. 4(i).

/s/ John C. Sullivan
John C. Sullivan

CERTIFICATE OF CONFERENCE

As required by Local Civil Rule 7.1, I hereby state that no conference was held on this Motion because I was unable to identify the counsel for Defendants in advance of filing the Complaint and this Motion. The Motion is presumed to be opposed.

/s/ John C. Sullivan
John C. Sullivan